(3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR, C.G.

WRIT PETITION NO. 3449 /2005

(Petition under article 226/227 of the Constitution of India)

PETITIONERS :

1) Rakesh Kumar Gaur, aged about 42 years, S/o Bhaiyalal Gaur, at present working as a Assistant teacher, Primary school Uparwara, (Linghagaon), Bade Rajpur, Distt. Bastar, Chhattisgrah.

2) Madanlal Dhruv (Nagwanshi), aged about 41 years, S/o late Bulkhu Ram, at present working as Assistant teacher, primary school, Bharripara, Development Block Narharpur, Distt. Kanker, Chhattisgrah.

P.R. No. 3503/05 Presented by Shri Krishna Kosta dated 25/7/05

RECEIVED-COPY 25.7.05 CLERK to A. G. BILASPUR

VERSUS

RESPONDENTS :

1) State of Chhattisgarh, through the Secretary, Department of tribal Welfare, D.K.S. Bhawan, Raipur (C.G.)

2) Director, tribal Welfare Department, Raipur, C.G.

3) Asstt. Commissioner tribal Welfare Department, Jagdalpur, Distt. Bastar, C.G.

4) District Education Officer, Jagadalpur, Distt. Bastar, C.G.

5) Block Education Officer, Narharpur, Distt. Kanker, C.G.

6) Block Development Education Officer, Baderajpur, (Bishrampuri), Distt. Bastar, C.G.

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRIT OF MANDAMUS/ CERTIORARI, ORDER/ORDERS, DIRECTION/DIRECTIONS ETC.

1. **Particulars of the petitioners :**

(48)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.No. 3449 सन् 2005

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	08.08.2005 Shri Vishnu Koshta, counsel for the petitioners. Shri Akhil Agrawal, Panel Lawyer for the State/respondents on advance copy. Heard. Learned counsel for the petitioners submits that the petitioners who are working as Assistant Teachers in Primary School, Uparwara and Primary School, Bharripara have been transferred to Ganjkanhar Nagri, District-Dhamtari and Primary School, Modempalli, Block Nagri, District Dhamtari vide order dated 30.06.2003 (Annexure-P/1). He further submits that even after passing of order in the month of June, 2003 itself, the petitioners have not been relieved from their respective place of posting and they are still working there. He also submits that the aforesaid order dated 30.06.2003 has not been cancelled or varied and the same is still existence. He prays that directions may be given to the concerned authority to relieve the petitioners immediately so that they may join at their transfer places at an early date. On the other hand, learned counsel for the State submits that he is not in a position to say as to whether the aforesaid order is in existence or not as the order was passed as back as on 30.06.2003. In the facts and circumstances of the case, this petition may be disposed of by a conditional order.	

(49)

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	It is hereby directed that if the transfers of the petitioners have not been varied or cancelled and they have not been relieved so far, then they shall be relieved within a period of 15 days from the date of production of certified copy of this order before the concerned authority of the respondents in pursuance of their transfer order dated 30.06.2003. It is made clear that if the order of transfer of the petitioners has been varied or cancelled, this order passed by this Court shall have no force. With the aforesaid directions and observations, the petition stands finally allowed. Sd/- Sunil Kumar Sinha Judge	

(पीछे देखिये)